

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

HECTOR W CARDWOOD CRUZ
GRISEL M BURGOS BARRETO
DEBTOR

CASE NO. 05-12157 (SEK)

CHAPTER 13

MOTION FOR DISMISSAL

TO THE HONORABLE COURT:

NOW COMES RG Mortgage Corporation (RG), through
counsel, and most respectfully **STATES** and **PRAYS**:

1. Instant petition was filed on October 15,
2005.
2. On April 3, 2006, appearing party filed a
secured proof of claim which is incorporated
by reference.
3. As of the filing of the Bankruptcy petition
Debtor were, total pre-petition arrears
\$894.28. See Proof of Claim for statement
of account.

Wallace Vasquez Sandria

Counselor at Law
17 Mexico Street, Suite D-1
San Juan, Puerto Rico 00917-2202
Phone (787) 756-5730, Fax (787) 764-0340
E-mail: walvaz@prtc.net

4. Debtor is now 2 post-petition payments in arrear as of filing of this motion. Total post-petition arrears \$3,341.16. See Unsworn Statement attached.
5. Failure to make post-petition payments constitute cause for dismissal under 11 U.S.C. 1307(4).
6. Dismissal of instant petition is beneficial to creditors and parties in interest.
7. Enclosed Statement under Service Members Act for debtor.

NOTICE TO CREDITORS AND OTHER PARTIES IN INTEREST


Please take notice that unless a party in interest files an objection to this Request for Dismissal and request a hearing in writing with the Clerk of the Court, and serves with copy to the undersigned attorney within **THIRTY (30) DAYS** from the date of this Notice, the Dismissal may be approved by the Court without further notice or

hearing. If the party in interest concurs with the above Dismissal, no action need be taken.

WHEREFORE it is respectfully requested that this Motion BE GRANTED and that instant matter be dismissed, with such further relief as is deemed appropriate under the circumstances.

I CERTIFY that copy of this Notice was sent via first class mail to all creditors and parties in interest, as per enclosed master address list.

In San Juan, Puerto Rico, this 14 day of March, 2010.


Wallace Vazquez Sanabria-
125101

17 Mexico St., Suite D-1
San Juan, PR 00917-2202
Tel: 787-756-5730
Fax: 787-764-0340
Email: walvaz@prtc.net

Wallace Vazquez Sanabria
Counselor at Law
17 Mexico Street, Suite D-1
San Juan, Puerto Rico 00917-2202
Phone (787) 756-5730, Fax (787) 764-0340
E-mail: walvaz@prtc.net

Label Matrix for local noticing
0104-3
Case 05-12157-SEK7
District of Puerto Rico
Old San Juan
Tue Mar 30 11:48:27 AST 2010

POPULAR AUTO
YASMIN R VAZQUEZ ESQ
PO BOX 366818
SAN JUAN, PR 00936-6818

RG MORTGAGE CORP
WALLACE VAZQUEZ SANABRIA
17 CALLE MEXICO SUITE D-1
SAN JUAN, PR 00917-2202

US Bankruptcy Court District of P.R.
U.S. Post Office and Courthouse Building
300 Recinto Sur Street, Room 109
San Juan, PR 00901-1964

AUTORIDAD DE ACUEDUCTOS Y ALCANTARILLADOS
PO BOX 70101
SAN JUAN, PR. 00936-8101

BANCO POPULAR DE PUERTO RICO
PO BOX 70354
SAN JUAN, PR 00936-8354

Banco Popular de Puerto Rico-Special Loans
PO Box 362708
San Juan, PR 00936-2708

CORPORACION DEL FONDO DEL SEGURO DEL ESTADO
PO BOX 858
CAROLINA, PR. 00986-0858

CRIM
PO BOX 195387
SAN JUAN, PR. 00919-5387

DEPARTMENT OF TREASURY BANKRUPTCY SECTION
PO BOX 9024140
SAN JUAN, PR. 00902-4140

BANCO POPULAR DE PUERTO RICO
SPECIAL LOANS DEPARTMENT
MIGDALIA EFFIE GUASP
PO BOX 362708
SAN JUAN, PR 00936-2708

PR DEPARTMENT OF LABOR
PRUDENCIO RIVERA MARTINEZ BLDG
505 MUNOZ RIVERA AVENUE
12 FLOOR
SAN JUAN, PR 00918

ROUNDUP FUNDING LLC
MS 550
PO BOX 91121
SEATTLE, WA 98111-9221

ALLIED WASTE (BFI)
5858 WESTHEIMER RD, SUITE 500
HOUSTON, TX 77057-5645

AUTORIDAD DE ENERGIA ELECTRICA
PO BOX 363508
SAN JUAN, PR. 00936-3508

BANCO SANTANDER DE PUERTO RICO
PO BOX 362589
SAN JUAN, PR. 00936-2589

CARIBE FINE FOODS
PO BOX 10585
SAN JUAN, PR 00922-0585

COUNTERFORCE USA
EDIFICIO NORTE 714
AVE. 65 DE INFANTERIA
RIO PIEDRAS, PR. 00924

DEPARTAMENTO DEL TRABAJO Y RECURSOS HUMANOS
PO BOX 191020
SAN JUAN, PR. 00919-1020

EFRAIN EQUIPMENT
EFRAIN RAMOS
AVE. DE DIEGO 788
CAPARRA TERRACE, PR 00920

DEPARTAMENTO DE HACIENDA
PO BOX 9024140
OFICINA 424-B
SAN JUAN, PR 00902-4140

PRAMCO CV7
C/O TIMOTHY SHEEHAN
230 CROSSKEYS OFFICE PARK
FAIRPORT, NY 14450-3510

US TRUSTEE
EDIFICIO OCHOA
500 TANCA STREET SUITE 301
SAN JUAN, PR 00901-1938

ASOCIACION DE RESIDENTES DE PASEO DEL PRADO
PO BOX 190249
SAN JUAN, PR. 00919-0249

B-Line, LLC/Sherman Acquisition, LLC
SEARS - CITI-SEARS
Mail Stop 550
2101 Fourth Ave., Suite 1030
Seattle, WA 98121-2317

BANKERS CLUB OF PR
PO BOX 362678
SAN JUAN, PR. 00936-2678

CITIFINANCIAL RETAIL SERVICE
PO BOX 22060
TEMPE, AZ. 85285-2060

CRESCA CORPORATION
PME 92 PO BOX 71325
SAN JUAN, PR 00936-8425

DEPARTMENT OF TREASURY
Bankruptcy Section (424-B)
PO Box 9024140
San Juan, Puerto Rico 00902-4140

FEDERICO RAMIREZ GARRATON
PO BOX 10585
SAN JUAN, PR 00922-0585

FUTA
MERCANTIL PLAZA BLDG R-2
AVENIDA PONCE DE LEON
SAN JUAN, PR. 00918-1693

GELATERIA ITALIANA, INC
PO BOX 3232
CAROLINA, PR. 00984-3232

GETZ GENERATOR & ELECTRIC TECHNICIAN SERVICE
CALLE CANARIA Q-22
JARDINES DE BORINQUEN
CAROLINA, PR 00985-4238

GOBIERNO MUNICIPAL AUTONOMO DE CAROLINA
APARTADO 8
CAROLINA, PR 00986-0008

HELAPAN, INC.
PO BOX 128
CATAO, PR 00963-0128

IDEAL PRODUCE
CALLE LILA N-33
TERRAZAS DE GUAYNABO
GUAYNABO, PR. 00969

INTERNAL REVENUE SERVICE
MERCANTIL PLAZA BLDG R-2
AVENIDA PONCE DE LEON
SAN JUAN, PR. 00918-1693

JC PENNEY
PO BOX 960001
ORLANDO, FL. 32896-0001

JOSE SANTIAGO
PO BOX 191795
SANJUAN, PR. 00919-1795

MAXIMO MOLINA
PMB 182 PO BOX 194000
SAN JUAN PR. 00919-4000

MILLER DISTRIBUTORS
PO BOX 7
AIBONITO, PR 00705-0007

NATIONAL CONSULTANT MANAGEMENT, INC
PO BOX 22813
UPR STATION, SAN JUAN, P.R 00931-2813

POPULAR AUTO
CONSUMER BANKUPTCY DEPT
PO BOX 366818
SAN JUAN PR 00936-6818

POPULAR AUTO
PO BOX 15011
SAN JUAN, PR. 00902-8511

PRAMCO CV7, LLC
230 CROSSKEYS OFFICE PARK
FAIRPORT, NEW YORK 14450-3510

PUERTO RICO TELEPHONE COMPANY
PO BOX 71535
SAN JUAN, PR. 00936-8635

R & G MORTGAGE
GPO BOX 362394
SAN JUAN, PR 00936-2394

RG Mortgage Corporation c/o Wallace Vazquez
17 Mexico Street
Suite D-1
San Juan
Puerto Rico
00917-2202

SAMUEL BIGIO
TOP MEAT PROVISION CORP.
RAMOS MIMOSA # 1
GUAYNABO, PR 00966-1804

SEARS CARD
PO BOX 183001
COLUMBUS, OH. 43218-3001

SUN COM WIRELESS
PO BOX 70888
CHARLOTTE, NC 28272

WORLD FINANCIAL CORPORATION
PO BOX 360438
SAN JUAN, PR. 00936-0438

FEDERAL LITIGATION DEPT. OF JUSTICE
PO BOX 9020192
SAN JUAN, PR 00902-0192

GRISEL MARIA BURGOS BARRETO
CALLE EUCALIPTO 7
URB PASEO DEL PRADO
CAROLINA, PR 00987-7600

HECTOR WILFREDO CARDWOOD CRUZ
CALLE EUCALIPTO 7
URB.PASEO DEL PRADO
CAROLINA, PR 00987-7600

JOSE RAMON CARRION MORALES
PO BOX 9023884
SAN JUAN, PR 00902-3884

MONSITA LECAROEZ ARIBAS
OFFICE OF THE US TRUSTEE (UST)
OCHOA BUILDING
500 TANCA STREET SUITE 301
SAN JUAN, PR 00901-1938

WINSTON VIDAL-GAMBARO
WINSTON VIDAL LAW OFFICE
PO BOX 193673
SAN JUAN, PR 00919-3673

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)AUTORIDAD DE ENERGIA ELECTRICA
PO BOX 363508
SAN JUAN, PR 00936-3508

(d)Banco Popular de Puerto Rico-Special Loans
PO box 362708
San Juan, PR 00936-2708

(d)ROUNDUP FUNDING LLC
MS 550
PO BOX 91121
SEATTLE, WA 98111-9221

End of Label Matrix
Mailable recipients 57
Bypassed recipients 3
Total 60

BUFETE: WALLACE VAZQUEZ SANABRIA

**UNSWORN STATEMENT
UNDER PENALTY OF PERJURY**

The undersigned hereby certifies the following under penalty of perjury:

Debtor(s): HECTOR W. CARDWOOD CRUZ
GRISEL M. BURGOS BARRETO

Loan No.: 000001254457

Bankruptcy No.: 05-12157

Post-petition arrears:	(2)	months at	\$1,593.44	=	\$3,186.88
	(2)	L/C	\$77.14	=	\$154.28

Current principal: \$241,095.05

Name:


Legal Division

Date: March 30, 2010

Request for Military Status

Page 1 of 2

Department of Defense Manpower Data Center

Mar-19-2010 11:38:00



Military Status Report
Pursuant to the Service Members Civil Relief Act

◀ Last Name	First/Middle	Begin Date	Active Duty Status	Active Duty End Date	Service Agency
CARDWOOD	HECTOR	Based on the information you have furnished, the DMDC does not possess any information indicating the individual status.			

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard).

Mary M. Snavelly-Dixon

Mary M. Snavelly-Dixon, Director
Department of Defense - Manpower Data Center
1600 Wilson Blvd., Suite 400
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Service Members Civil Relief Act (50 USC App. §§ 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defenseink.mil" URL <http://www.defenselink.mil/faq/pis/PC09SLDR.html>. If you have evidence the person is on active duty and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. §521(c).

If you obtain additional information about the person (e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects **active duty status** including date the individual was last on active duty, if it was within the preceding 367 days. For historical information, please contact the Service SCRA points-of-contact.

Request for Military Status

Page 2 of 2

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d)(1) for a period of more than 30 consecutive days. In the case of a member of the National Guard, includes service under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy TARs, Marine Corps ARs and Coast Guard RPAs. Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps) for a period of more than 30 consecutive days.

Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate.

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of SCRA extend beyond the last dates of active duty.

Those who would rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

WARNING: This certificate was provided based on a name and SSN provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.
Report ID:89OQ7NT4J8

Request for Military Status

Page 1 of 2

Department of Defense Manpower Data Center

Mar-19-2010 11:39:05

Military Status Report
Pursuant to the Service Members Civil Relief Act

< Last Name	First/Middle	Begin Date	Active Duty Status	Active Duty End Date	Service Agency
BURGOS	GRISSEL M	Based on the information you have furnished, the DMDC does not possess any information indicating the individual status.			

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard).

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